

REMARKS

Applicants hereby traverse the current rejections, and request reconsideration and withdrawal in light of the remarks contained herein. Claims 21-42 are pending in this application.

Rejection Under 35 U.S.C. § 102

Claims 21-22, 29, and 33-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Carcerano et al. (US '205, hereinafter Carcerano).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy these requirements.

Claim 21 defines a system that includes a device that is capable of performing at least one behavior according to a set of configuration data that provides a set of parameters that govern the behavior, the device generating an HTTP request on a communication network such that the HTTP request specifies a URL associated with the configuration data. Carcerano does not disclose at least these limitations. The Office Action reads the workstation (70) of Carcerano as the claimed device. However, the workstation is not capable of performing a behavior according to the set of configuration data. The configuration data of Carcerano is not associated with the workstation, but rather with a managed network device, e.g. device 111. Thus, Carcerano does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 21 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 33, as amended, defines a method for configuring a device that includes generating an HTTP request on a communication network by the device such that the HTTP request includes a URL for a set of configuration data, and performing a behavior in the device in response to the configuration data in the HTTP response such that the configuration data provides a set of parameters that govern the behavior. Carcerano does not disclose at least these limitations. The Office Action reads the workstation (70) of Carcerano as the claimed device. However, the workstation does not perform a behavior in response to the set of configuration data. The configuration data of Carcerano is not associated with the workstation, but rather with a managed network device, e.g. device 111. Thus, Carcerano does not teach all of the claimed limitations. Therefore, the Applicants respectfully assert that for the above reasons claim 33 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 22, 29, and 34 depend from base claims 21 and 33, respectively, and thus inherit all limitations of their respective base claim. Each of claims 22, 29, and 34 sets forth features and limitations not recited by Carcerano. Thus, the Applicants respectfully assert that for the above reasons claims 22, 29, and 34 are patentable over the 35 U.S.C. § 102 rejection of record.

Rejection Under 35 U.S.C. § 103

Claims 23-26 and 35-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carcerano in view of Devine et al. (US App 2005/0210296, hereinafter Devine).

Claims 27-28, 30-32, and 39-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carcerano in view of Kobata et al. (US '367, hereinafter Kobata).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143.

Without conceding the first and second criteria, Applicants assert that the rejections do not satisfy the third criteria.

Base claims 21 and 33 are defined as described above. Carcerano does not disclose these limitations, as discussed above. Neither Devine nor Kobata are relied upon in the Office Action as disclosing these limitations. Therefore, the combinations of Carcerano with either Devine or Kobata do not teach all elements of the claimed invention.

Claims 23-28, 30-32, and 35-42 depend from base claims 21 and 33, respectively, and thus inherit all limitations of their respective base claim. Each of claims 23-28, 30-32, and 35-42 sets forth features and limitations not recited by the combinations of with either Devine or Kobata. Thus, the Applicants respectfully assert that for the above reasons claims 23-28, 30-32, and 35-42 are patentable over the 35 U.S.C. § 103(a) rejections of record.

Conclusion

In view of the above Response, Applicants believe the pending application is in condition for allowance.

Applicants respectfully request that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Application No. 09/884,353
Reply to Office Action of April 6, 2007

Docket No.: 10003415-01

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-1078, under Order No. 10003415-01 from which the undersigned is authorized to draw.

Dated: July 6, 2007

Respectfully submitted,

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482710813US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 6, 2007

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